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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,012	09/25/2003	Kavitha Srinivas	YOR920030251US1 (16768)	7874
23389 7590 11/24/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER DAO, THUY CHAN	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 11/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,012	Applicant(s) SRINIVAS ET AL.	
	Examiner Thuy Dao	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,11,12,15,17-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,11,12,15,17-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on September 22, 2008 has been entered.

2. Claims 1, 4-7, 11, 12, 15, 17-19, and 21 have been examined.

Response to Amendments

3. In the instant amendment, claims 1, 4-7, 15, and 19 have been amended.

4. The objection to claims 1, 4-7, 15, and 19 is withdrawn in view of Applicant's amendments.

Response to Arguments

5. Applicants' arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 4-7, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,957,421 to Hundt et al. (art made of record, hereafter “Hundt”) in view of “Checking System Rules Using System-Specific, Programmer-Written Compiler Extensions” to Engler et al. (art made of record, hereafter “Engler”).

Claim 1:

Hundt discloses a program storage device readable by machine and a *software tool containing machine readable instructions stored on a physical medium for monitoring behavior of a running computer program, the software tool comprising:*

a pattern detector manager including machine readable instructions for inserting into a running computer program a main entry breakpoint at one or more defined points in the computer program (e.g., col.2: 51 – col.3: 11; col.3: 15-30); and

to insert additional breakpoints into the computer program (e.g., col.1: 52-67; FIG. 1, col.4: 24-52);

wherein, upon hitting one of the main entry breakpoints in the computer program, the pattern detector manager inserts the additional breakpoints into the computer program (e.g., col.2: 16-50; col.3: 34 – col.4: 4), and

the pattern detectors track the inserted, additional breakpoints to detect violations (e.g., col.2: 51 – col.3: 11; col.4: 24-52).

Hundt does not explicitly disclose other limitations. However, in an analogous art, Engler further discloses *a plurality of pattern detectors, each of the pattern detectors being associated with one of a group of defined coding patterns, and including machine readable instructions, the pattern detectors track the inserted, additional breakpoints to detect violations of said group of defined coding patterns (e.g., col.9: Table 1 and col.7: 22-39).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Engler’s teaching into Hundt’s teaching. One would have been motivated to do so to maintain specific system constraints and

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legal orderings of operations and/or particular contexts in which these operations can or cannot occur (e.g., col.7: 22-39).

Claim 4:

The rejection of claim 1 is incorporated. Hundt also discloses *a debugger for debugging the computer program, and further including a launcher to invoke the pattern detector manager when the debugger is used to debug the program* (e.g., col.1: 52-67; col.3: 34 – col.4: 4).

Claim 5:

The rejection of claim 1 is incorporated. Hundt also discloses *the pattern detector manager removes the entry breakpoints at specified times* (e.g., col.2: 51 – col.3: 11).

Claim 6:

The rejection of claim 1 is incorporated. Hundt also discloses *the pattern detector manager removes the entry breakpoints and the further breakpoints at specified times* (e.g., col.3: 15-30).

Claim 7:

The rejection of claim 1 is incorporated. Hundt also discloses *the pattern detector manager includes means for monitoring for the occurrences of the entry breakpoints* (e.g., col.4; 24-52); *and*

the pattern detector manager inserts said at least one further breakpoint into the computer program in response to the monitoring means detecting the occurrence of said one of the entry breakpoints (e.g., col.2: 16-50).

Claims 15 and 17-19:

Claims 15 and 17-19 are program storage device versions, which recite the same limitations as those of claims 1 and 4-7, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 15 and 17-19.

8. Claims 21 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morshed (art of record, US Patent No. 6,721,941) in view of Tsai (art of record, US Patent No. 6,161,196).

Claim 21:

Morshed discloses *a method of detecting code patterns in a computer program that violate a given set of coding rules, the method comprising the steps of:*

defining a set of coding rules (e.g., col.13: 43-49; col.17: 25-28; col.20: 60-62; col.75: 63 – col.76: 23),

each coding rule of the set of the coding rules being associated with a respective one pattern detector of a set of pattern detectors (e.g., FIG. 14, blocks 446, 450, 454, 458, 462, col.23: 1-64; col.13: 40-56; col.19: 13-33);

providing a pattern detector manager for managing said pattern detectors (e.g., FIG. 14, blocks 442, 448, 452, 456, 460, 464, col.23: 1 – col.24: 11; FIG. 12, block 410, col.21: 43-54);

providing a computer program, and running the computer program in a debug mode (e.g., FIG. 12, col.21: 6-67; col.23: 36 – col.24: 11);

the pattern detector manager identifying, during the running of the computer program in the debug mode, points in the computer program that relate to said coding rules (e.g., FIG. 15-17, col.24: 11 – col. 25: 67), and

said pattern detector manager inserting into the computer program an entry breakpoint at each of said identified points (e.g., col.20: 40-49; col.20: 63 – col.21: 5);

said pattern detector manager invoking each of the pattern detectors to monitor the computer program for a violation of the coding rule associated with said each of the pattern detectors (e.g., col.21: 6-67; col.13: 43-49; col.20: 60-62), including the step of:

each of the pattern detectors inserting one or more further breakpoints into the computer program to identify further points in the computer program that relate to the coding rule associated with said each of the pattern detectors (e.g., col.24: 11 – col.25: 67; col.23: 14-22; col.66: 20-31), and

tracking said additional breakpoints to determine whether the computer program violates the coding rule associated with said each of the pattern detectors (e.g., FIG. 14, col.23: 1 – col.24: 11; col.20: 6-62);

wherein each of said additional breakpoints identifies a respective step in the computer program that is part of the coding pattern associated with said one of the entry breakpoints (e.g., FIG. 14, col.23: 1 – col.24: 11; col.24: 47-57; col.66: 20-31), and

wherein each of the pattern detectors monitors the computer program for the occurrence of any one of the first set of defined conditions, the occurrence of which violates the coding rule associated with said each of the pattern detectors (e.g., col.1: 24-36; col.32: 61 – col.33: 27; col.55: 31-47).

Morshed does not explicitly disclose *monitors the computer program for the non-occurrence of any one of a second set of defined conditions, the non-occurrence of which violates the coding rule associated with said each of the pattern detectors.*

However, in an analogous art, Tsai further discloses *monitors the computer program for the non-occurrence of any one of a second set of defined conditions, the non-occurrence of which violates the coding rule associated with said each of the pattern detectors (e.g., col.10: 58-67).*

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Tsai' teaching into Morshed's teaching.

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One would have been motivated to do so to declare faults after a maximum wait threshold (maximum time to reach a specific breakpoint) and avoid the target program to hang indefinitely as suggested by Tsai (e.g., col.10: 58-67, emphasis added).

Claim 11:

The rejection of claim 21 is incorporated. Morshed also discloses *a debugger for debugging the computer program, and further including the step of invoking the pattern detector manager when the debugger is used to debug the program* (e.g., col.1: 24-36; col.32: 61 – col.33: 27; col.55: 31-47).

Claim 12:

The rejection of claim 21 is incorporated. Morshed also discloses *the step of removing the entry breakpoints at specified times* (e.g., FIG. 14, col.23: 1 – col.24: 11; col.24: 47-57; col.66: 20-31).

Conclusion

9. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570, respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thuy Dao/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192